



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** Shinya Ito **Examiner:** Sarkar, Asok K.  
**Serial No:** 10/763,315 **Art Unit:** 2891  
**Filed:** January 23, 2004 **Docket:** 17381  
**For:** SEMICONDUCTOR DEVICE AND METHOD OF **Dated:** August 3, 2005  
FABRICATING THE SAME  
**Confirmation No.** 7794

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO REQUIREMENT FOR RESTRICTION**

Sir:

Pursuant to the Restriction Requirement imposed in the Official Action dated May 24, 2005, applicant provisionally elects the claims of Group I, i.e., Claims 1-8, for continued prosecution herein.

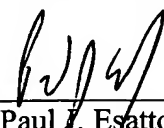
Claims 1-14 are present in the above-captioned application and have been subjected to restriction under 35 U.S.C. §121. Specifically, the Official Action avers that the following inventions are present in the claims:

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 3, 2005.

Dated: August 3, 2005

  
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Paul J. Esatto, Jr.

Group I, Claims 1-8, drawn to a method of fabricating a semiconductor device, classified in class 438, subclass 664; and


Group II, Claims 9-14, drawn to a device, classified in class 257, subclass 288.

It is the Examiner's position that the inventions listed in Groups I and II are distinct from each other.

In response to the Examiner's requirement for restriction, applicants provisionally elects to prosecute the subject matter of Group I, Claims 1-8. However, applicant reserves the right under 35 U.S.C. §121 to file one or more divisional applications directed to the non-elected claims in this application.

In view of the foregoing, an examination on the merits of the elected claims, at an early date, is earnestly solicited.

Respectfully submitted,

  
Paul J. Esatto, Jr.  
Reg. No. 30,749

Scully, Scott, Murphy & Presser  
400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343  
PJE:rd